

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN ALLEN SCHWEITZER,

Defendant.

CR 12-06-GF-BMM

ORDER

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered his findings and recommendations on September 29, 2014. Defendant admitted he had violated Special Condition 1 by failing to appear for random urinalysis tests, violated Standard Condition 2 by failing to report in person to his probation officer as directed, violated Standard Condition 6 by failing to inform his probation officer that his employment had been terminated, and violated Standard Condition 7 by using methamphetamine. Judge Strong found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 6 months, with 5 years of supervised release to follow.

No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that he violated Special Conditions 1, 2, 6 and 7. Defendant could be incarcerated for up to 24 months. He could be ordered to remain on supervised release for up to life. The United States Sentencing Guidelines call for a term of imprisonment of 6 to 12 months. A sentence of 6 months in custody is appropriate because Defendant has violated numerous conditions of his supervised release, and a significant period of incarceration is necessary to impress upon Defendant the seriousness of the court-ordered conditions. A lengthy period of supervision is appropriate because it will provide Defendant the support and structure needed to address his drug abuse problem.

IT IS ORDERED that Judge Strong's Findings and Recommendations (Doc. 41) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 20th day of October, 2014.



Brian Morris
United States District Court Judge